

2007 Report on Act 82. Section 19
**An Act Relating to Education Quality and
Cost Control**

Report to the House and Senate Committees on Education

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Submitted by:

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Introduction

Section 19 of Act 82 of the Acts of 2007 directs that: *“On or before December 1, 2007, the commissioner shall submit a report to the house and senate committees on education that describes insights obtained from the recently concluded public engagement process. The report shall consider other governance models and shall also outline any proposals the commissioner wishes to make for restructuring governance in Vermont, which shall include proposals to provide financial incentives for consolidation. Any proposed changes should foster increased cooperation and collaboration among public schools and provide support for the new demands and expectations placed on schools by an increasingly technological and global society.”* The act also requires that the commissioner request recommendations on this topic from the Vermont Superintendents Association, the Vermont School Boards Association and the Vermont National Education Association.

What follows is the commissioner’s proposal for restructuring education governance in Vermont. Detailed reports addressing the results of the public engagement process, other requirements of the act and the recommendations of the education organizations appear as attachments to this report. Also attached is a summary of an education governance law that was recently enacted in the State of Maine.

The attachments speak for themselves and respond to requirements of the act. They will be referenced in this report but there will be no attempt to summarize them. This report is intended to respond directly to the requirement of the act that calls for the commissioner to outline any proposals he has for restructuring governance. This report represents the opinions of Richard H. Cate, Commissioner of Education and will be written in the first person. The report does not necessarily represent the opinion of the State Board of Education or any other individual or entity. The State Board and others will have the opportunity to decide after the report is released whether to support these recommendations.

The topic of education governance, as noted in several of the attachments, is a controversial topic. It has been the subject of debate going back to the 19th century, which is when the last significant statewide education governance change occurred. That action, occurring in 1892, reduced the number of school districts in Vermont from 2500 to just under 300, which compares to our current number of 280. I am proposing that we change our system of education governance knowing full well that past attempts over the last several decades have failed. VSA 16§212 (2) states that one role of the Commissioner is to: “Identify the educational goals of the public schools, provide alternative methods of attaining those goals and promoting education in the state.” It is in the context of providing alternate means that I am recommending that our system of education governance be changed. Because education governance is controlled by Vermont statutes, the combined powers of the Legislature and the Governor would be necessary to make any change. I respect the opinions of the hundreds of people who have provided input before, during and after our public engagement process. I have heard passionate pleas for preserving the existing system and equally passionate voices who believe that it should be changed.

During our public engagement process we asked people to give us their opinions about the advantages and disadvantages of our current education governance system and those of the 60 +/- school district model that I suggested in the white paper I wrote in May 2006 (attached). In many ways, the advantages and disadvantages of the current system were viewed as mirror

images of the model. The current system earned high marks based on measures of “local control,” connections to the community and the ability to respond quickly to local needs. Participants rated the change model higher in the areas of efficiency, coordinated pre-K to 12 curricula and clarity of roles and responsibilities. The end result was that the majority of people who attended the 31 public engagement meetings supported retaining the current system and the majority of people who completed the survey poll supported change.

Recommendations

Understanding that this proposal would not affect existing interstate school district configurations, I recommend that the education governance system in Vermont be changed as follows:

1. Require, within two years of passage of authorizing legislation, that all existing school districts with fewer than 1500 students become part of a larger district with a single school board and superintendent, and also require that every school district be a K-12 district. This would result in the creation of approximately 45-50 school districts. The inclusion of either St. Johnsbury Academy, Lyndon Institute or Burr and Burton Academy within the district’s boundaries would meet the high school requirement. The boundaries of these districts would be decided via local decision making except in those instances where these decisions were not made by a date stipulated in the statute. In these cases, the State Board of Education or the commissioner would be empowered to decide the matter. Because of its sparse population, there may be a need to set the minimum district size at a lower level for some parts of the Northeast Kingdom.
2. Allow school choice for all high school students to in-state public and approved independent high schools and public and approved independent schools in New Hampshire, New York, Massachusetts and Quebec. This would require tuition caps to limit sending school districts’ financial obligations. This would continue the century-old tradition necessitated by small student populations in many school districts and would also expand the learning options for others.
3. Allow existing collective bargaining agreements to continue until they expire, at which time new districtwide agreements would be negotiated.
4. Use the new combined student populations and education spending to calculate tax rates.
5. Allow the new school districts to decide how best to enable citizens to be engaged in building-level decision making.
6. Appropriate \$15 million from the education fund in each of the two years of the transition to a new governance structure to pay for the costs incurred by districts associated with governance change. This should be considered as an initial investment in order to improve student outcomes and save money in the long term.
7. Before doing any of the above, appropriate adequate funds for a state entity designated by the Legislature to contract with a polling firm to design and conduct an opinion poll (+/- 3 percent margin of error) of Vermonters regarding the question of the need for education governance change. A poll of this nature should give elected officials a better idea of where the majority of Vermonters stand on this issue before they debate it further. I understand that such a poll is not a common occurrence but I believe that this issue is important enough to warrant this extra effort. A copy of a professionally conducted

survey poll is attached but it does not meet the aforementioned margin of error standard and, because the Department of Education contracted for these services, some may not believe that it is objective.

Rationale

I am recommending governance change for the following reasons:

1. To improve the overall quality of our students' education and to expand their opportunities for success. Many of our school districts are simply too small to be able to provide the opportunities that our students deserve. Because school districts would be serving students in grades K (possibly pre-K) through 12, curricula could be better coordinated so that all students are prepared for high school.
2. To make our education system more efficient by streamlining the governance structure and eliminating redundancies and by providing opportunities for schools to more easily share personnel, financial and facility resources to the best advantage of students.
3. To better use school leaders and make it easier to improve the likelihood of finding qualified candidates for school board, superintendent and principal positions. Governance change would provide for better clarity of the roles and responsibilities of our school leaders. School boards would have the benefit of a full-time superintendent and superintendents would be able to spend much more time working on the educational needs of the students. Because there would be a full-time superintendent in every district, principals would be able to focus full time on the needs of the students in their schools.
4. To preserve those small schools that are needed to ensure that our children do not have to spend inordinate amounts of time being transported to school. The preservation of these schools also continues a long tradition of the school as the town community center. Many people have expressed concerns that governance change will result in the loss of small schools. I have the opposite concern. I believe that many of them will be lost if they are left to stand alone with insufficient resources to serve well the children of the community.
5. To reduce the adverse effects of volatility in student enrollment and property values. Larger districts with more students would be better able to adjust to these changes thereby providing taxpayers with more predictability as to the cost of education.
6. To slow the growth in the cost of education. The fact that we have so many small schools and the lowest pupil-teacher ratio in the country essentially ensures that our per-student cost of education will be one of the highest of all the states. We can be proud of the fact that Vermonters are willing to pay for their children's education but we must always be vigilant in our search for ways to keep education affordable. Governance change will not result in immediate cost reductions, but the more efficient use of personnel, transportation means and facilities should at least slow the growth in the cost. School boards and administrators work tirelessly to hold down the cost of education, but the system in which they have to operate is often an obstacle.

What Others Have Said

Governance change will result in:

1. **The loss of local control.** I agree that there will be fewer school boards so that fewer people would be involved in operating our school districts.
2. **A loss of the sense of community and community involvement in the schools.** Unless there are controversial issues ongoing in a school district, the community is generally much more engaged in the activities of students in the school than they are those of the school board. I see no reason why a community's level of engagement in the school has to suffer as a result of governance change.
3. **The closure of small schools.** There could be a stipulation in the legislation that no school could be closed in the first three years after the governance change without an affirmative vote of the voters within the original district boundaries. This issue could be revisited at the end of the period to determine whether this veto authority should continue.
4. **Small communities being disadvantaged at school board meetings because of the constitutional provision of one person - one vote (weighted voting).** There may be ways to mitigate this concern but to do so might cause concerns for larger communities. Although this could be a problem, there are many examples in Vermont where boards bound by this provision have been able to operate effectively including our union schools, many of which have been operating for over 35 years.
5. **Difficulties arising because Vermont school districts are so different from one another.** Vermont communities are more homogenous than those in almost any other state. I believe that every school district in Vermont wants what is best for their children and that whatever differences exist could be worked out between the communities.
6. **Fixing something that is not broken.** Vermont's education system is not broken but it, like every other public, private and non-profit entity, could be better than it is. Many people have cited the fact that Vermont students outperform their peers from most other states on the National Assessment of Educational Progress as an example of how well our current system of governance is working. However, others have pointed out that there are another 20 states whose percentage of proficient students is within just a few percentage points of Vermont's, and many of them have large urban centers with high concentrations of children in poverty whose scores adversely affect their statewide averages. Another measure, our own statewide assessments, indicates that one-third of Vermont students are not achieving our standards, so clearly there is room for improvement. Governance change does not guarantee improved outcomes for students but it could offer opportunities that do not currently exist for many students.
7. **A much more efficient school system that will cost less and serve students better.**
8. **Better coordination of curricula from grades K to 12.**
9. **More qualified candidates for school board, superintendent and principal positions.**
10. **More resources for small schools so that they can provide a better education for their students.**

Conclusion

There are many challenges in our educational system today as we strive to meet the needs of our children and help them prepare for the future. I believe that Vermont's education governance structure can be better fashioned to provide a stronger foundation for student success than what exists today. Every day our students are confronted with new concepts that are foreign to them. We hope that they consider all aspects of these concepts before they decide to accept or dismiss them. I have the same hope for Vermonters that read this report.

Attachments:

- The Governance of Education in Vermont – 1777 – 2006
- A Report on the Findings of a Vermont Department of Education Survey of the Public's Beliefs Regarding Specific Methods to Govern Vermont's Schools
- A Report on the Vermont School Governance Public Engagement Process of 2006-2007
- Educational Governance in the United States: A 2007 Report
- Recommendations from the Vermont School Boards Association
- Recommendations from the Vermont Superintendents Association
- Recommendations from the Vermont-National Education Association
- Summary of Public Law 2007, Chapter 240, Part XXXX